

PROB 12B
(7/93)

Report Date: March 20, 2013

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

MAR 21 2013

Eastern District of Washington

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Stephen B. Kirk

Case Number: 2:96CR02021-001

Name of Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 1/17/1997

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm,
18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 10/12/2012

Original Sentence: Prison - 210 Months
TSR - 60 Months

Date Supervision Expires: 10/11/2017

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

Stephen Kirk violated conditions of supervised release by consuming alcohol in a public park on or about March 16, 2013. In addition, the offender is considered in violation of mandatory condition 1 prohibiting him from committing a new law violation.

On March 16, 2013, the offender was contacted by Spokane Police officers during the St. Patrick's day parade in Spokane, Washington. Mr. Kirk was detained and cited for the above-mentioned new law violation. On March 19, 2013, the offender appeared in the U.S. Probation Office to address the reported noncompliance. At that time, Mr. Kirk admitted to consuming alcohol in public and took responsibility for his actions. It is noted that the offender requested more intervention and a referral to the Sobriety Treatment and Education Program (STEP).

Stephen Kirk's adjustment to supervision is considered marginal. He is unemployed while awaiting receipt of his Social Security disability benefits. The offender shares an apartment with his girlfriend in Spokane, Washington. The offender is expected to participate in substance abuse treatment at ADEPT to include random urine and breath analysis.

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As an intermediate sanction:

Stephen Kirk was directed to not consume alcohol and to participate in intensive outpatient treatment. Urinalysis testing will continue on a random basis.

The offender was asked whether to waive his right to a hearing and agree to the modification as outlined. As indicated by the attached waiver of hearing to modify conditions of supervised release form, Mr. Kirk has agreed to the proposed modification.

It is respectfully recommended that the attached waiver of hearing to modify conditions of supervised release be adopted to require Mr. Kirk to avoid consuming alcohol.

It is hoped that the intermediate sanction requested meets the expectations of the Court. Please advise the undersigned officer should Your Honor require a different course of action or a court appearance by the offender.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/20/2013

s/Tommy Rosser

Tommy Rosser
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

s/ Fred Van Sickle

Signature of Judicial Officer

3/21/13

Date